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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,743	05/16/2007	Stefan Schlstedt	10400A-000080/US	2255
30593 7590 11/26/2010 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
SCHATZ, CHRISTOPHER T				
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1747				
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11/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,743

Applicant(s)

SEHLSTEDT ET AL.

Examiner

CHRISTOPHER SCHATZ

Art Unit

1747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7, 9 and 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10-12, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

FINAL REJECTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does support a method wherein the prestressing device is in direct contact with the groove. Rather, the specification expressly discloses that "the prestressing the will generally be in contact with non-grooved portions".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 10, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardin et al. (WO 95/21690).

As to claims 1-4, Gardin discloses an isostatic press, comprising: a pressure chamber for accommodating a pressure medium 6, the pressure chamber being enclosed by a cylindrical element that is force-absorbing body 3; a prestressing device 7, provided around an outer envelope surface of the force-absorbing body (figures 1 and 4), the force-absorbing body thereby being radially prestressed (page 10, lines 31-35; page 7, lines 6-16); and at least one tunnel-like passage 14 running essentially over the length of said outer envelope surface of the force-absorbing body (figure 3; page 5, lines 23-26), the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, capable of conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body (page 3, lines 25-32). The applicant should note that the cylindrical element 3 reads on the term "force-absorbing body" as such is capable of absorbing at least a minor amount of force. Additionally, the cylindrical element is a force absorbing cylindrical wall of a pressure vessel.

As to claim 6, Gardin further discloses an isostatic press wherein said prestressing device is at least one of wire-shaped and band-shaped and is wound around said outer envelope surface (page 10, lines 31-35).

As to claim 10, Gardin discloses an isostatic press wherein said at least one tunnel-like passage runs in the form of a spiral around said outer envelope surface and essentially along the whole of its length Figure 1; page 5, lines 23-26).

As to claims 19 and 20, the force absorbing body 3 forms the pressure chamber. Page 10, lines 31-35 discloses that the force absorbing body 3 can be in direct contact with an outermost cylindrical element. Because this cylindrical element is partially prestressed when the liner is inserted, the cylindrical element imparts stress on the liner and thus reads on a prestressing device. At least a portion of said prestressing device is in contact with a top portion of the groove.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gardin.

As to claims 11 and 12, Gardin discloses channels as discussed in claim 10 above. The examiner interprets use of the plural term "channels" as a disclosure that there are more than one parallel tunnel-like passages running in the form of a spiral around said outer envelope surface and essentially along the whole of its length. Nonetheless, one of ordinary skill in the art would have appreciated to use at least two

parallel tunnel-like passages as doing such would aid in accurately and quickly determining if a leak is present. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have at least two tunnel-like passages running in parallel in the form of a spiral around said outer envelope surface and essentially along the whole of its length as such would achieve the advantages discussed above. Angela

6. Claims 1-4, 6, 8, 10-12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maerz (US 2002/0076347) in view of Gardin.

As to claims 1 and 2, Maerz discloses an isostatic press, comprising: a pressure chamber for accommodating a pressure medium 6, the pressure chamber being enclosed by a cylindrical element (figure 1, paragraph 0033).

It is not clear if Maerz discloses an isostatic press further comprising: a prestressing device provided around an outer envelope surface of the force-absorbing body, the force-absorbing body thereby being radially prestressed; and at least one tunnel-like passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body.

Gardin discloses a method as discussed above. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the press of

Maerz by: adding a cylindrical element that is a force adsorbing body wherein at least one tunnel-like passage runs essentially over the length of said outer envelope surface of said added force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of said force-absorbing body, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body; providing a prestressing device around an outer envelope surface of the force adsorbing body such that said force-adsorbing body is radially prestressed and wherein said prestressing device covers a portion of the groove as taught by Gardin above. Use of a prestressed force adsorbing body (liner) is well known in the art (Gardin, page 1, lines 22-26) and the addition of the tunnel-like passages will enable the press to detect when leaks have occurred in the force-adsorbing body thus decreasing repair and maintenance costs (page 4, lines 6-34).

As to claims 3 and 4, in the modified press discussed above, the force adsorbing body 3 of Gardin is a cylindrical wall of a cylindrical pressure vessel and is a force-absorbing cylindrical wall of a pressure vessel. As to claim 6, Gardin further discloses an isostatic press wherein said prestressing device is at least one of wire-shaped and band-shaped and is wound around said outer envelope surface as discussed above. As to claim 8, Maerz discloses supplying the pressure medium by a pumping device 8 (paragraph 0033). One of ordinary skill in the art would have readily recognized to dimension the cross-sectional area of the tunnel-like passage such that said tunnel-like passage is capable of conducting pressure medium flow essentially equal to if not larger

than the flow of the medium into the chamber supplied by the pumping device as doing such will enable leaks in the force adsorbing body to be detected quickly. As to claim 10, Gardin discloses the limitations as discussed above. Thus, in the modified press at least one tunnel-like passage will run in the form of a spiral around said outer envelope surface and essentially along the whole of its length. As to claims 11 and 12, Gardin discloses channels as discussed in claim 10 above. The examiner interprets use of the plural term "channels" as a disclosure that there are more than one parallel tunnel-like passages running in the form of a spiral around said outer envelope surface and essentially along the whole of its length. Nonetheless, one of ordinary skill in the art would have appreciated to use at least two parallel tunnel-like passages as doing such would aid in accurately and quickly determining if a leak is present. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have at least two tunnel-like passages running in parallel in the form of a spiral around said outer envelope surface and essentially along the whole of its length as such would achieve the advantages discussed above. As to claims 19 and 20, Gardin discloses such as discussed above.

Response to Arguments

7. Applicant's arguments filed 08/31/2010 have been fully considered but they are not persuasive.

The applicant should note that the U.S. Patent Office is not bound by what is in the International Search Report.

The applicant asserts the prestressing device 7 does not cover the force absorbing body 3. The applicant should note that the prestressing device 7 does not have being in direct contact with the force-absorbing body 3 in order to cover it. The grooves 14 are covered by both 1 and 7.

The applicant states that there is no specific grounds for rejecting claim 2. This is not accurate. The examiner specifically rejected claim 2 in the previous Office Action and claim 2 stands rejected as discussed above. The steel wires of the prestressing device 7 cover the cylindrical element 3 as discussed above.

Gardin meets the limitations of the new claims as discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1747

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1747

